

## **State of Rhode Island and Providence Plantations**

### **Public Utilities Commission**

#### **Minutes of Open Meeting Held on June 27, 2001**

**Attendees: Chairman Elia Germani, Commissioner Kate Racine, Commissioner Brenda Gaynor, Steve Frias, Thomas Heald, Douglas Hartley and Donna Conway.**

**Chairman Germani called the open meeting to order at 10:00 AM in the second floor hearing room of the Public Utilities Commission. A quorum was present.**

#### **Competitive Local Exchange Carriers (CLECs):**

3298 - Verizon Avenue Corp.

The above CSR registered to operate in RI. The Division has reviewed the registration and recommends approval. After review, Commissioner Racine moved to approve the registration. Commissioner Gaynor seconded the motion. **Vote 3-0.**

3141 - Verizon Advanced Data, Inc.

3019 - OneStar Long Distance, Inc.

3170 - CityNet Telecom, Inc.

2791 - Net2000 Communications, Inc.

2789 - Network Plus, Inc.

2535 - Cox RI Telcom LLC

2449 - Brooks Fiber Communications

The above CLECs filed revisions to its existing tariffs. After review, the Commission followed the Division's recommendation that the tariff filings be allowed to go into effect without suspension.

#### **Competitive Switchless Resellers (CSRs):**

2262(V15) - Power-Finder West Communications, LLC

2262(W15) - America's Digital Satellite Telephone, Inc.

The above CSRs registered to operate in RI. The Division has reviewed the registrations and recommends approval. . After review, Commissioner Racine moved to approve the registrations. The motion was seconded by Commissioner Gaynor and unanimously passed. **Vote 3-0.**

2262(Z8) - CRG International, Inc.

2262(I19) - 1-800-Reconex, Inc.

2262(L10) - PaeTec Communications, Inc.

2262(Y12) - Comm South Companies, Inc.

2262(G6) - McLeodUSA Telecommunications Services, Inc.

2262(S4) - Qwest Communications Corp.

The above CSRs filed revisions to its existing tariffs. After review, the Commission followed the Division's recommendation that the tariff filings be allowed to go into effect without suspension.

2262(N13) - Internet Telephone Co.

2262(Q12) - CallManage, Inc.

1003 - Peoples Telephone Co.

The above telecommunications carriers ceased operations in RI and requested that its authorization to operate be cancelled. After review, Commissioner Racine moved to cancel the authorization to operate and Commissioner Gaynor seconded the motion.

**Vote 3-0.**

**Interexchange Carriers (IXCs):**

3343 - AT&T Communications of NE, Inc.

3344 - AT&T Communications of NE, Inc.

3345 - MCI WorldCom

The above IXCs filed revisions to its existing tariffs. After review, the Commission followed the Division's recommendation that the tariff filings be allowed to go into effect without suspension.

**Verizon RI Interconnection Agreements (ICAs):**

3326 - Supplement to ICA entered w/ VIC-RMTS-DC, LLC dba Verizon Avenue

3334 - ICA entered w/ DSLnet Communications, LLC

3340 - ICA entered w/ 1-800-Reconex, Inc.

The above ICAs were submitted for approval. The Division has reviewed filings and recommends approval. After review, Commissioner Racine moved to approve the Interconnection Agreements and the motion was seconded by Commissioner Gaynor.

**Vote 3-0.**

**3195 – Verizon RI:** Discussion regarding the Company's proposed Carrier-to-Carrier Guidelines and Performance Metrics. After some discussion of the Supreme Court Opinion in re: Steven E. Ferry, the Commission is requiring that, on a going forward basis, all out-of-state attorneys request permission to practice before the Commission from the Supreme Court. In particular, Attorney Frias recommended that in all open telecommunications dockets, any attorney that is not admitted in Rhode Island but has signed a pleading(s) should also have a Rhode Island attorney sign the pleading and affix their Rhode Island bar number to the pleading along with a statement that they are a "Member in Good Standing" with the Rhode Island Bar pursuant to Rule 11.

The Commission recommends that parties in telecommunication cases come together and file a stipulation stating that they will not appeal on the basis of pro hoc vice to the

courts. Attorney Frias also indicated that a memo would be issued setting forth the new procedures.

**1673 & 1736 – Providence Gas Co. & Valley Gas Co.:** Discussion relative to the Settlement Agreement entered between the Companies and the Division. The Settlement resolves issues related to the propriety of gas purchases by the Companies for the winter heating season 2000-2001. The Settlement provides for: 1) the current Deferred Revenue Account balance of \$795,600 resulting from the weather mitigation clause will immediately be applied to the Deferred Gas Cost Account balance of Providence Gas; 2) the Providence Gas weather mitigation clause for winter of 2001-2002 will be adjusted for normal than warmer conditions to reflect a threshold of 4,807 degree days (3% warmer than normal as opposed to 2% and 4,857 degree days); and 3) the Companies will contribute \$500,000 to reduce the Deferred Gas Cost Account balances of the companies. Commissioner Racine moved to approve the Settlement Agreement between the Companies and the Division. Commissioner Gaynor seconded the motion. **Vote 3-0.** (A transcript of the discussion relative to this docket is available.)

**3295 – Providence Gas Co.:** Discussion will relate to the Commission's review of the record and issuance of an advisory opinion to the Energy Facility Siting Board (EFSB) regarding the need of Providence Gas' application to construct a LNG transfer station in Middletown, RI which application is pending before the EFSB. Commissioner Racine moved to issue an affirmative Advisory Opinion to the Energy Facility Siting Board relative to the need and necessity of this proposal. Commissioner Gaynor seconded the motion. **Vote 2-0.** (Chairman Germani excused himself from the discussion and decision in this matter. A transcript relative to this docket is available.)

Commissioner Racine adjourned the Open Meeting in memory of Attorney General Whitehouse's father who passed away earlier in the week.

There being no further business to discuss, the open meeting adjourned at 10:30 AM.